## OFFICE OF THE TOWN MANAGER



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### Town of Shrewsbury

MASSACHUSETTS 01545-5398

September 7, 2006

To: Town Meeting Members

From: Daniel J. Morgado

Re: Special Town Meeting – September 26, 2006 at 7:00 PM

Enclosed please find a copy of the Special Town Meeting Warrant for a September 26, 2006, Special Town Meeting that will start at 7:00 PM in the **Oak Middle School Auditorium**.

The Finance Committee will review this warrant in detail at a meeting held in the Old Selectmen's Meeting Room that is located in the Shrewsbury Municipal Office Building on Thursday, September 21, 2006, at 7:00 PM Town Meeting Members and interested citizens are invited to attend this meeting when the latest information on each of the proposed articles will be presented.

I direct your attention to the attached materials:

- A status report of current balances of special appropriations
- The motions for the Special Town Meeting
- Maps or materials dealing with the subject matter for Articles 1, 2, 3, 4, 5 & 7

We are anticipating that the Department of Revenue will certify the Town's Free Cash balance as of July 1, 2006, in the area of \$4.1 Million up from \$1,930,113 on July 1, 2005. This Free Cash balance reverses the trend since 2002 of a continuing reduction in the Town's Free Cash balance each year. A series of documents detailing the Town's fiscal status can be viewed at http://www.shrewsbury-ma.gov/manager/fy07.asp.

The following is a brief summary of each of the proposed articles:

Article 1 – This Article carries over from Article 25 of the Annual Town Meeting held in May 2006. At that time, Town Meeting authorized the Town to acquire by purchase, gift, or eminent domain parcels of land needed for the improvements along Boston Turnpike (Route 9), more specifically at the intersection of Harrington Avenue, Svenson Road, and Route 9.

At the time of the Annual Town Meeting, it was thought that there wouldn't be a need to utilize the authorization because the improvements were, for the most part, being completed by the Commonwealth of Massachusetts. However, in mid-June, the Town was notified by MassHighway that they could not complete the Right of Way work in time to keep the project on schedule for a September bid. Coming off the success of the Quinsigamond Avenue/Route 9 intersection improvement, the Town had momentum in seeing the second phase of the Lakeway Business District project completed. If the Town didn't take on the right of way work for the Commonwealth, it could have been up to a few years before the project received funding. So, the Town agreed to take on the responsibility of obtaining as necessary Rights of Entry for the project on behalf of the State. All work needed to be completed by September 5, 2006 in order to meet the Commonwealth's deadline for a Federally funded project. There are 70 parcels representing 58 different land owners. Of the 70 parcels, 6 required the acquisition of land via gift, purchase or eminent domain. The remaining parcels required property owners to sign off on a Right of Entry form which allows the State access onto their property during construction in the public way. The intersection of Harrington Avenue, Svenson Road, and Boston Turnpike (Route 9) is the most critical component of the The intersection has been a problem for decades and this project afforded an opportunity to correct this situation. When Walgreen's was built, the developer funded the design for an improved intersection. As part of the site plan review, the developer also agreed to reserve a portion of the land for the intersection improvements. Harrington Avenue moves to the east and Svenson Road moves to the west in order to improve the alignment and eliminate conflicting turning movements of vehicles. A safer intersection will result.

The Right of Way was handled by Jack Perreault, Town Engineer and Michael Hale, Assistant Town Manager. Three of the four parcels at the intersection require additional Town Meeting action which is the purpose of this article. The first parcel is owned by Mary Catherine Chute and is more easily identified as the Blockbuster video building. The design plans call from a small taking of land at the corner and the elimination of the four parking spaces along the building. The design also calls for the construction of a retaining wall along Svenson and the closing of the driveway apron into the parking lot located behind the building, thus making the rear parking lot inaccessible other than from a paved surface at the rear of the property beyond the property line. Several meetings with Ms. Chute and National Grid Corporation were held until an agreement beneficial to all parties was reached. The Town, National Grid, and Ms. Chute all have ownership interests in a road behind the Blockbuster building. Both Shrewsbury Electric Light and National Grid have electric sub-stations in which access is over the so-called "paper street" known as Groveland Street. Article 1 involves a series of conveyances and easements between the three parties. It seeks authorization to convey a piece of land to Ms. Chute that SELCO (Shrewsbury Electric Light) will acquire from National Grid so that Ms. Chute will regain enough land to create the four parking spaces lost along the building. It also will allow her a legal access at the rear of her property via an easement. In order to meet the Commonwealth's deadline, Ms. Chute signed a land damage agreement for no money for the piece of landed needed for the intersection improvement. In good faith, she is taking a risk that the Town Meeting will approve the conveyance of

land to her at the rear of the property. The exchange of land and easements is similar to the deal worked out the intersection of Centech Boulevard and Route 20 with private land owners.

The second parcel requiring action in this Article is the Walgreen's parcel. The land owner, the lessee, and the tenant all signed the land damage agreement for zero compensation. However, the lessee, Richmond Company, has a mortgage on the property with a company in California. The mortgage company did not sign the land damage agreement in allotted time so the Town took the property by eminent domain. This article seeks to convey a portion of the land to the Commonwealth for the purpose of laying out the roadway (Route 9).

The third parcel requiring action in this Article is the parcel which houses the CVS store. Again, the problem centered on the lessee's mortgage holder not signing the land damage agreement in the time period allotted. The Town continues to work towards a resolution with the land owner, the lessee, and representatives of CVS. The Town acquired the 1,800 sq. ft. +/- to get this done. The Town seeks authorization to convey a portion of this parcel to the Commonwealth for highway layout purposes.

The Town could have taken no action on these three parcels and turned the Right of Way work over to the State for action and funding in a future year to be determined. However, residents have long requested a traffic improvement solution for this busy intersection and with the success at the Quinsigamond intersection, Town officials are asking for Town Meeting support in moving the project forward.

**Article 2** – This article will change the designation of a portion of a parcel of land acquired in 1967 for cemetery purposes to municipal purposes. The footprint of the new fire headquarters extends onto the parcel acquired in 1967 requiring this change of designation.

Article 3 – In 1995, the Town Meeting changed the designation of a 19.36 acre parcel of land formerly used for municipal solid waste disposal to active and passive recreation and open space purposes as a condition of receiving a landfill capping grant in the amount of \$105,000. The development of Phase V of the landfill requires the use of this land and the reason for the rescinding of the vote taken in 1995 and the redesignation of use.

Article 4 – This article seeks to re-zone land located at the northwest corner of Route 9 and Lake Street from MF-1 Garden-Type (multi-family) to Commercial Business.

Article 5 – This article authorizes the Board to convey a strip of land no longer needed for highway purposes along the westbound lane of Route 9. The Town acquired the parcel with the demise of County government and the Board seeks to convey the land to the abutter under terms and conditions deemed appropriate by the Board. The value of this parcel is being developed by an outside appraiser as of this writing.

- **Article 6** This article seeks to change the date for when the Finance Committee shall furnish its report to the Board of Selectmen on matters being considered associated with the annual budget from April 1<sup>st</sup> to May 1<sup>st</sup> of each year. The April 1<sup>st</sup> deadline is too early when you consider the budget cycle of the Commonwealth of Massachusetts and the development of local receipt estimates for the ensuing fiscal year. May 1<sup>st</sup> will provide the Finance Committee additional time to consider the various elements involved in balancing the budget.
- **Article 7** This article will change the designation of a portion of a parcel of land acquired in 1976 for playground purposes to water supply purposes. This change in designation will allow for utilities to be brought to service the new water tank authorized at the May Annual Town Meeting more directly via Venus Drive as opposed to using an existing easement.
- Articles 8 The Board will propose to appropriate a sum of money to the stabilization Fund. The current balance in the fund is \$180,806.71. As of this writing I am projecting an available levy capacity of \$864,061.
- Article 9 This article will propose to make additional supplemental appropriations to various departments for the fiscal period beginning on July 1, 2006. The involved departments and the value of the request is still under development and will be presented to the Finance Committee on September 21<sup>st</sup>. The proposal to be made under Article 10 will be posted at <a href="http://www.shrewsbury-ma.gov/manager/fy07.asp">http://www.shrewsbury-ma.gov/manager/fy07.asp</a> and be available in this office after September 13, 2006.
- **Article 10** This article seeks funds to pay a bill incurred by the Fire Department in a prior Fiscal Year for a listing in the Yellow Pages for two years.
- **Article 11** This article seeks acceptance of Section 1 of Chapter 157 of the Acts of 2005. Enclosed is a September 6, 2006, memo to the Town Meeting Members from the Retirement Board.
- **Article 12** This article seeks to rescind \$580,000 of the \$1,830,000 bond authorization established under Article 1 of the May 20, 2002, Special Town Meeting. The project was completed well under the authorized budget and the debt authorization should be cancelled.
- **Article 13** This article seeks acceptance of additional Chapter 90 funding for Fiscal Year 2007 in the amount of \$259,404 and funding for Fiscal Year 2008 in the amount of \$572,481.

Cc Board of Selectmen
Finance Committee
School Committee
Board of Health
Parks and Cemetery Commission
All Departments

#### SPECIAL TOWN MEETING

#### September 26, 2006 Oak Middle School Auditorium

#### **MOTIONS**

#### Article 1

I move that the Town authorize the Board of Selectmen to convey certain parcels, in fee or by easement, as shown on a plan entitled "Plan showing land transfers and easements on Groveland Street" prepared by the Town of Shrewsbury Engineering Department dated August 24, 2006 to Mary Catherine Chute and/or National Grid Corporation or its predecessors for the purposes of improving public access and safety at the intersection near Boston Turnpike (Route 9) and Svenson Road, and to convey certain parcels, in fee or by easement, to the Commonwealth of Massachusetts as shown on a plan entitled "Plan showing proposed land takings on the easterly side of Harrington Avenue for realignment and widening of a portion of Harrington Avenue and Boston Turnpike (Route 9) prepared by the Town of Shrewsbury Engineering Department dated August 2006 and recorded at the Worcester County Registry, and to convey certain parcels, in fee or by easement, to the Commonwealth of Massachusetts as shown on a plan entitled "Plan showing the proposed land takings on the westerly side of Harrington Avenue for realignment and widening of a portion of Harrington Avenue and Boston Turnpike (Route 9)" prepared by the Town of Shrewsbury Engineering Department dated August 2006 and recorded at the Worcester County Registry of Deeds, or to take any other action in relation thereto.

#### Parcel B

BEGINNING at a point on the easterly sideline of the 1959 Town Layout of Svenson Road, said point being at the northwesterly lot corner of land of said New England Power Company and being at the intersection of the southerly sideline of Groveland Street, a private way, with the said Town Layout of Svenson Road;

THENCE N 02°06'00" W, 22.61 feet, along the said easterly sideline or	
Town Layout of Svenson Road to a point;	
THENCE S 64°19′10" E", 38.25 feet, to a point;	
THENCE Southeasterly, 35.55 feet, along a curve to the left having a	radius of
274.59 feet, to a point;	
THENCE N 89°01'48" W, 21.56 feet, to a point;	
THENCE N 81°16'20" W, 45.56 feet, to the point of beginning.	

The above described parcel is labeled as Parcel B and contains about 758 square feet of land, more or less, and is shown on a plan entitled, "Owners-Town of Shrewsbury, Mary Catherine Chute and New England Power Company; Plan Showing Land Transfers and Easements on Groveland Street"; Sheet 1 of 2; dated August 24, 2006; prepared by the Town of Shrewsbury Engineering Department.

#### Easement 3

BEGINNING at a point on the easterly sideline of the 1959 Town Layout of Svenson Road;

THENCE N 09°46'15" E, 15.74 feet, along the said easterly sideline of Svenson Road to a point;

THENCE N 02°06'00" W, 7.25 feet, along the said easterly sideline of the said 1959 Town Layout of Svenson Road to a point;

THENCE S 88°49'20" E, 86.83 feet, to a point; THENCE N 12°41'06" E, 40.00 feet, to a point;

THENCE Easterly, 80.69 feet, along a curve to the left having a radius of 254.59 feet, to a point;

THENCE N 84°31'35" E, 21.92 feet, to a point;

THENCE S 05°28'25" E, 40.00 feet, to a point; THENCE S 84°31'35" W, 200.69 feet, to a point;

THENCE N 64°19'10" W, 4.45 feet, to the point of beginning.

The above described access easement is labeled as Easement 3 and contains about 6,546 square feet of land, more or less, and is shown on the hereinafter described plan.

#### Easement 4

BEGINNING at a point on the easterly sideline of the 1959 Town Layout of Svenson Road;

THENCE N 02°06'00" W, 32.16 feet, along the said easterly sideline of said 1959
Town Layout of Svenson Road to a point;

THENCE S 81°16'20" E, 45.56 feet, to a point;

THENCE S 89°01'48" E, 21.56 feet, to a point;

THENCE Easterly, 26.73 feet, along a curve to the left having a radius of 274.59 feet, to a point;

THENCE S 12°41'06" W, 20.00 feet, to a point;

THENCE N 88°49'20" W, 86.83 feet, to the point of beginning.

The above described access easement is labeled as Easement 4 and contains about 2,398 square feet of land, more or less, and is shown on the hereinafter described plan.

#### Easement 5

Beginning at a point, said point being at a southerly property corner of land owned now or formerly by the Town of Shrewsbury;

THENCE N 63°41'44" W, 44.29 feet, to a point;

THENCE N 15°03'15" E, 50.98 feet, to a point;

THENCE S 63°41'44" E, 44.29 feet, to a point;

THENCE S 15°03'15" W, 50.98 feet, to the point of beginning.

The above described Electric Transmission Easement is labeled as Easement 5 and contains about 2,215 square feet of land, more or less, and is shown on a plan entitled, "Owners-Town of Shrewsbury, Mary Catherine Chute and New England Power Company; Plan Showing Land Transfers and Easements on Groveland Street"; Sheet 2 of 2; dated August 24, 2006; prepared by the Town of Shrewsbury Engineering Department.

#### Parcel 8-1

A certain parcel of land located in the Town of Shrewsbury, County of Worcester, Commonwealth of Massachusetts, being more particularly described as follows:

BEGINNING at a point on the northerly sideline of the 1930 State Highway Layout of Boston Turnpike;

THENCE N 80°47'54"E, 65.86 feet, through land owned now or formerly by Robert Defalco to a point;

THENCE Easterly, 36 feet, more or less, through land of said Defalco to a point on the westerly sideline of 1955 Town Layout of Harrington Avenue;

THENCE Southwesterly, 21 feet, more or less, along a curve to the right having a radius of 40.00 feet, along the said 1955 Town Layout of Harrington Avenue to a point on the said northerly sideline of the 1930 State Highway Layout of Boston Turnpike;

THENCE Westerly, 83 feet, more or less, along the said northerly sideline of Boston Turnpike to the point of beginning.

The above described parcel is labeled as Parcel 8-1 and contains about 289 square feet of land, more or less, and is shown on a plan entitled; "Owner-Town of Shrewsbury; Plan Showing Proposed Land Takings on the Westerly Side of Harrington Avenue for Realignment and Widening of a Portion of Harrington Avenue and Boston Turnpike (Route 9)" dated August 2006, prepared by the Town of Shrewsbury Engineering Department. A copy of said plan is filed herewith in Worcester District Registry of Deeds, Plan Book 847, Plan 59.

#### Parcel 8-2

A certain parcel of land located in the Town of Shrewsbury, County of Worcester, Commonwealth of Massachusetts, being more particularly described as follows:

BEGINNING at a point on the northerly sideline of the 1930 State Highway Layout of Boston Turnpike;

THENCE Westerly, 282 feet, more or less along the northerly sideline of said 1930 State Highway Layout of Boston Turnpike to a point of tangency on 1955 Town layout alteration of Harrington Avenue (lo. No. 4339);

THENCE Westerly and northerly, 25 feet, more or less along the said 1955 Town layout alteration of Harrington Avenue along a curve to the right to a point;

THENCE Easterly, 66 feet, more or less through land of now or formerly of Cole and Bonin Inc. to a point;

THENCE N 84°36'45"E, 239.23 feet, through land of said now or formerly of Cole and Bonin Inc. to a point;

THENCE S 5°23'15"E, 8.00 feet, , through land of said now or formerly of Cole and Bonin Inc. to the point of beginning.

The above described parcel is labeled as Parcel 8-2 and contains about 2,350 square feet of land, more or less, and is shown on a plan entitled; "Owner-Town of Shrewsbury; Plan Showing Proposed Land Takings on the Easterly Side of Harrington Avenue for Realignment and Widening of a Portion of Harrington Avenue and Boston Turnpike (Route 9)" dated August 2006, prepared by the Town of Shrewsbury Engineering Department.

A copy of said plan is filed herewith in Worcester District Registry of Deeds, Plan Book 847, Plan 60.

I move that the Town change the designation of a portion of a parcel of land acquired by the Town of Shrewsbury in November of 1967 from cemetery purposes to municipal purposes to allow for the construction of the new fire headquarters with said parcel of land located approximately 300 feet on westerly side of Boylston Street (Route 140) and approximately 400 feet northerly of Main Street and presently owned by The Town of Shrewsbury containing 3,874 sq. ft. more or less and is bounded and described as follows:

BEGINNING at the southwesterly corner of said parcel at a point, said point being at land now or formerly of Town of Shrewsbury;

THENCE N11°11'23"W, 54.63 feet to a point;

THENCE N78°48'37"E, 51.43 feet a point;

THENCE S70°01'53"E, 67.33 feet a point;

THENCE S 68°31' 17" W, 110.82 feet to the point of beginning.

The preceding three (4) courses being through land now or formerly of said Town of Shrewsbury

#### Article 3

I move that the Town rescind its vote taken under Article 41 of the May 17, 1995, Annual Town Meeting when the Town designated a 19.36 acre portion of a parcel of land formerly used for municipal solid waste disposal owned by the Town located at 630 Hartford Turnpike for active and passive recreation and open space purposes and to change the designation of this land to municipal purposes.

#### **Article 4**

I move that the Town amend the Zoning Map by rezoning land, located at the northwest corner of Boston Turnpike (Route 9) and Lake Street, from MF-1 Garden-Type (multi-family) to Commercial Business as shown on a plan entitled "Proposed Zoning Change, Boston Turnpike (Route 9) and Lake Street" dated July 18, 2006, on file in the office of the Town Clerk.

#### Article 5

I move that the Town authorize the Board of Selectmen to sell in a manner and under such terms and conditions deemed appropriate by the Board, a parcel of land on Boston Turnpike (Route 9) no longer needed for highway purposes, containing 5114 sq. ft. more or less and is bounded and described as follows:

#### Description of Parcel A

A certain parcel of land located in the Town of Shrewsbury, County of Worcester, Commonwealth of Massachusetts, being more particularly described as follows:

Beginning at a point on the Northerly sideline of 1930 State Highway Layout of the Boston Worcester Turnpike, said point being N9°40'25" E a distance of 61.50 feet from baseline station 95+87.06 on the said 1930 State Highway Layout of the Boston Worcester Turnpike;

THENCE S86°58' 50" W, 222.91 feet, along the northerly sideline of said 1930 state layout of Boston Worcester Turnpike to a point;

THENCE N3°01' 10" W, 18.56 feet to a point;

THENCE N84°54"42"E, 229.10 feet, along the northerly sideline of the old Town Road and by land now or formerly of Kenneth J. and Rose-Marie Levesque to a point on the westerly sideline of Town Layout of Lake Street;

THENCE S9°40' 25"W, 27.50 feet, along the said sideline of Lake Street to the point of beginning.

The above described parcel is labeled Parcel A contains about 5,114 square feet of land, more or less and is shown on a plan entitled, "OWNER: TOWN OF SHREWSBURY, PLAN SHOWING A PORTION OF OLD TOWN ROAD #43 TO BE DISCONTINUED & ABANDONED"; dated September 5, 2006; prepared by GEO / NETWORK LAND SURVEY, INC...

#### Article 6

I move that the Town amend Article 3, Section 4 of the General By-laws of the Town of Shrewsbury by deleting "April 1st" and inserting in place "May 1st".

#### Article 7

I move that the Town change the designation of a portion of a parcel of land acquired by the Town of Shrewsbury in July of 1976 from the Masonic Education and Charity Trust from playground purposes to water supply purposes, being a certain parcel of land located in the Town of Shrewsbury, Worcester County, Massachusetts, being shown as "PARCEL A", on a plan entitled "Plan Showing Additional Land to Be Designated for Water Supply Purposes" located approximately 1000 feet easterly of Boylston Street (Route 140) and approximately 500 feet northwesterly of Prospect Street and presently owned by the Town of Shrewsbury, containing 12,588 square feet more or less and is bounded and described as follows:

BEGINNING at the most southeasterly corner of the herein described parcel A, on the southerly terminus of 1984 layout of Venus Drive.

THENCE S56°45'54"E, 294.11 feet through land of now or formerly of the Town of Shrewsbury to a point at other land of now or formerly of the Town of Shrewsbury Water and Sewer department;

THENCE N03°23'13"E, 54.76 feet along the land of now or formerly of the said Town of Shrewsbury Water and Sewer department to a point;

THENCE N56°45'54"W, 235.95 feet through land of now or formerly of the Town of Shrewsbury to a point at southerly terminus of said 1984 layout of Venus Drive;

THENCE S66°17'18"W, 56.67 feet along southerly terminus of said 1984 layout of Venus Drive to the point of beginning.

#### Article 8

I move that the Town raise and	d appropriate \$	to the Stabilization Fund
	a appropriate s	to the Stabilization 1 and

I move that the Town raise and appropriate \$to supplement sums raised under Article 6 of the May 15, 2006, Annual Town Meeting to pay Town debts and charges for t fiscal year beginning July 1, 2006 as follows:				
	Department	Account	Amount	Purpose

#### Article 10

I move that the Town raise and appropriate \$299.99 to pay a departmental bill incurred in a prior year by the Fire Department.

#### Article 11

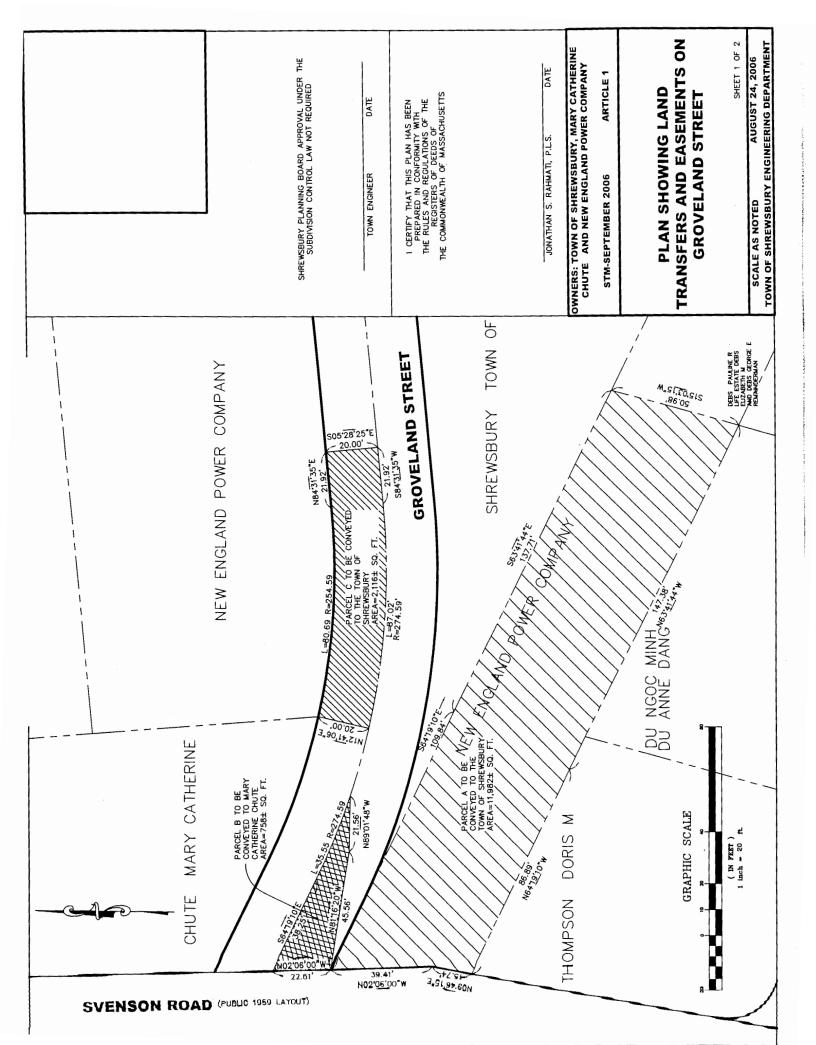
I move that the Town accept the provisions of Section 1 of Chapter 157 of the Acts of 2005 that deals with disability retirement benefits for veterans.

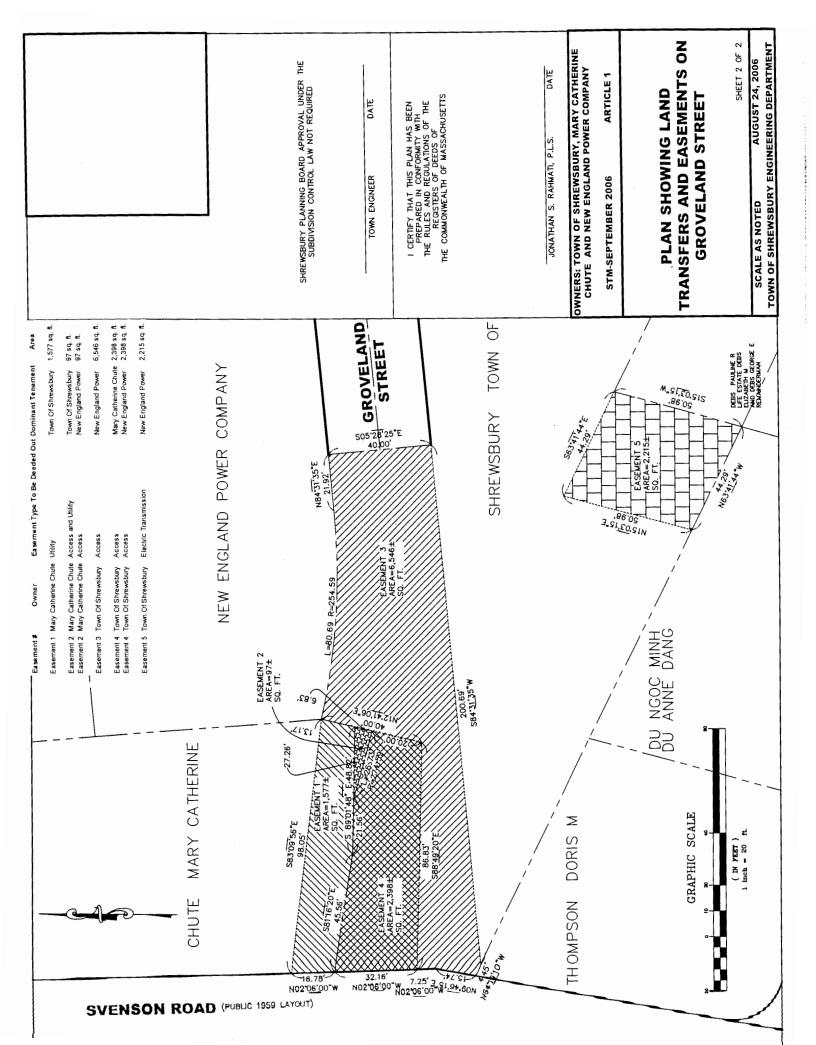
#### Article 12

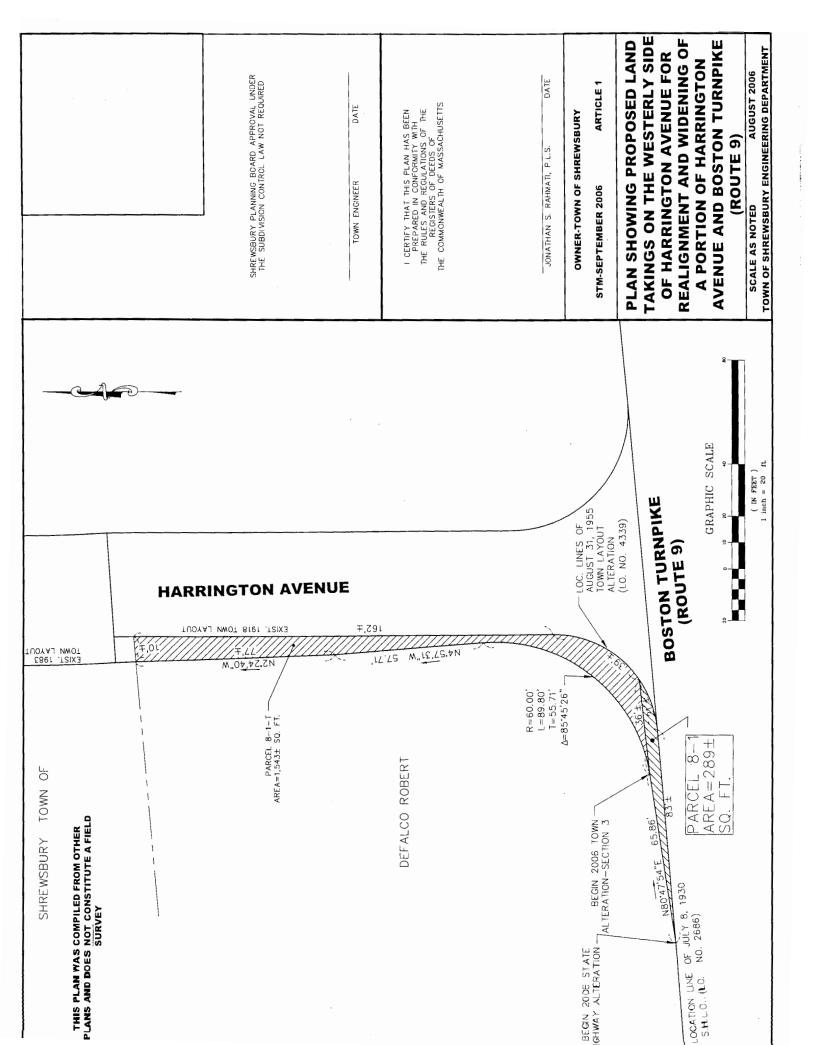
I move that the Town rescind \$580,000 in outstanding bond authorization that was originally established under Article 1 of the May 20, 2002, Special Town Meeting in the amount of \$1,830,000 that was associated with the construction of additional classroom and office space at the former North Shore School.

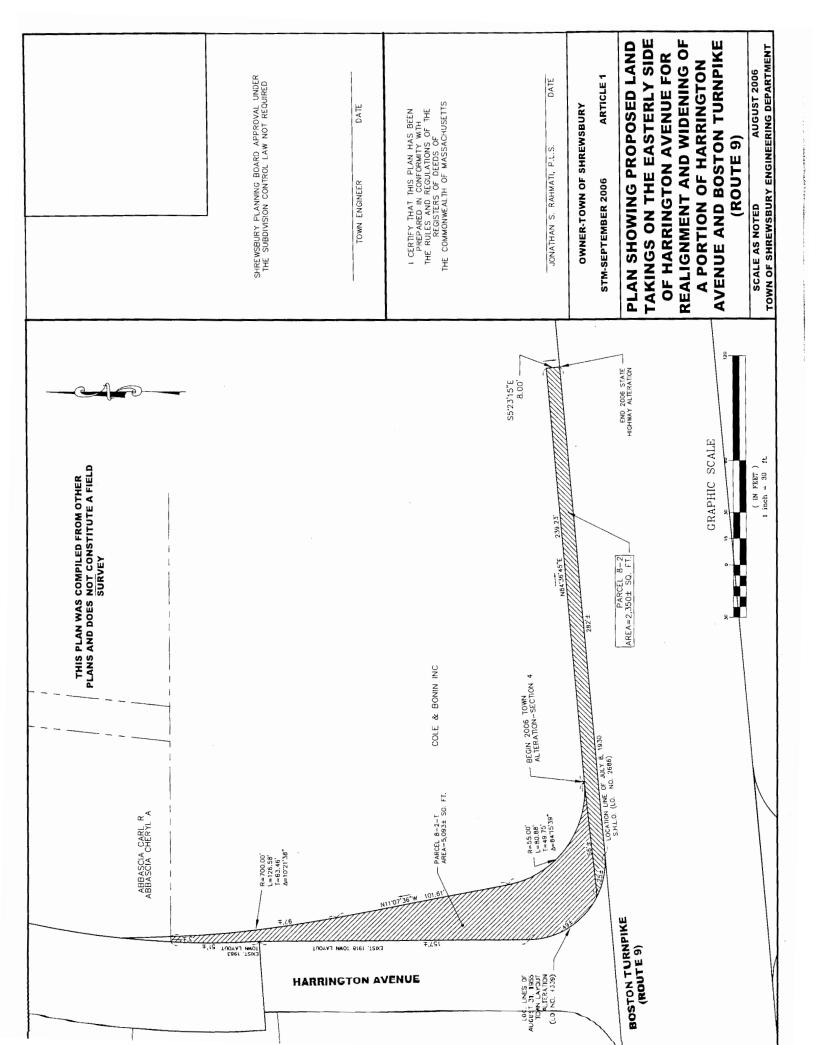
#### Article 13

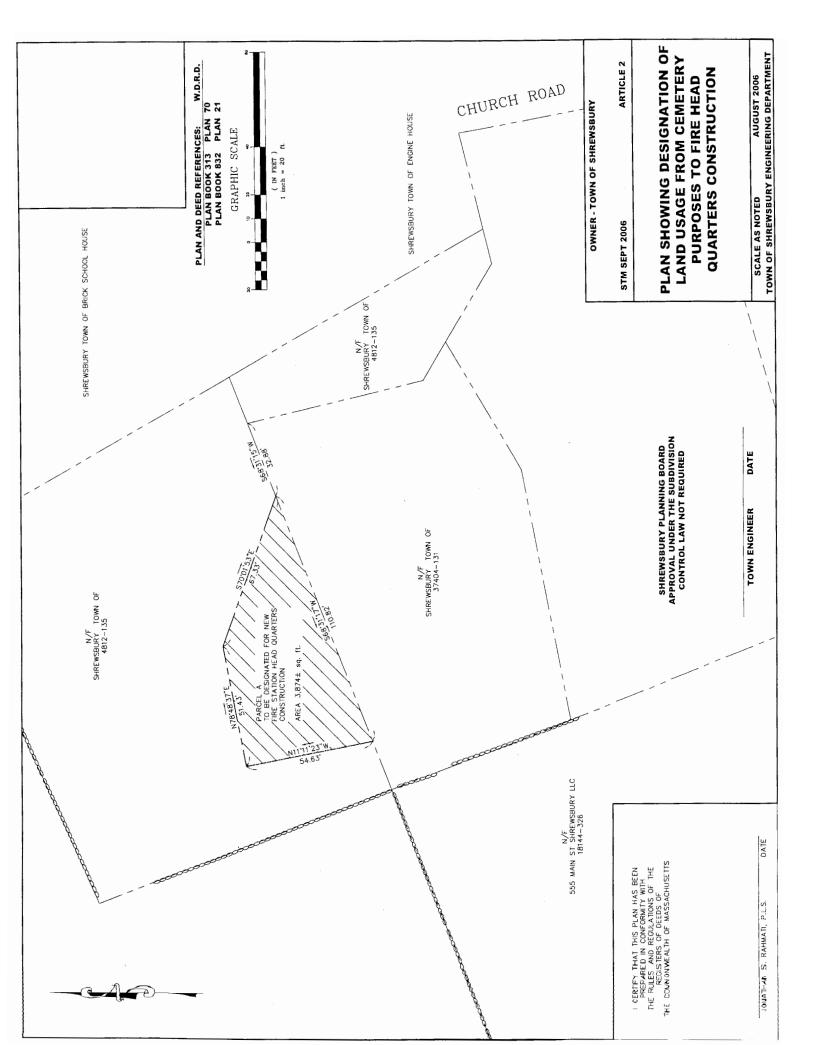
I move that the Town accept from the Commonwealth of Massachusetts \$259,404 and \$572,481 under the provisions of Chapter 90, Section 34 and transfer said funds to the Highway Department.

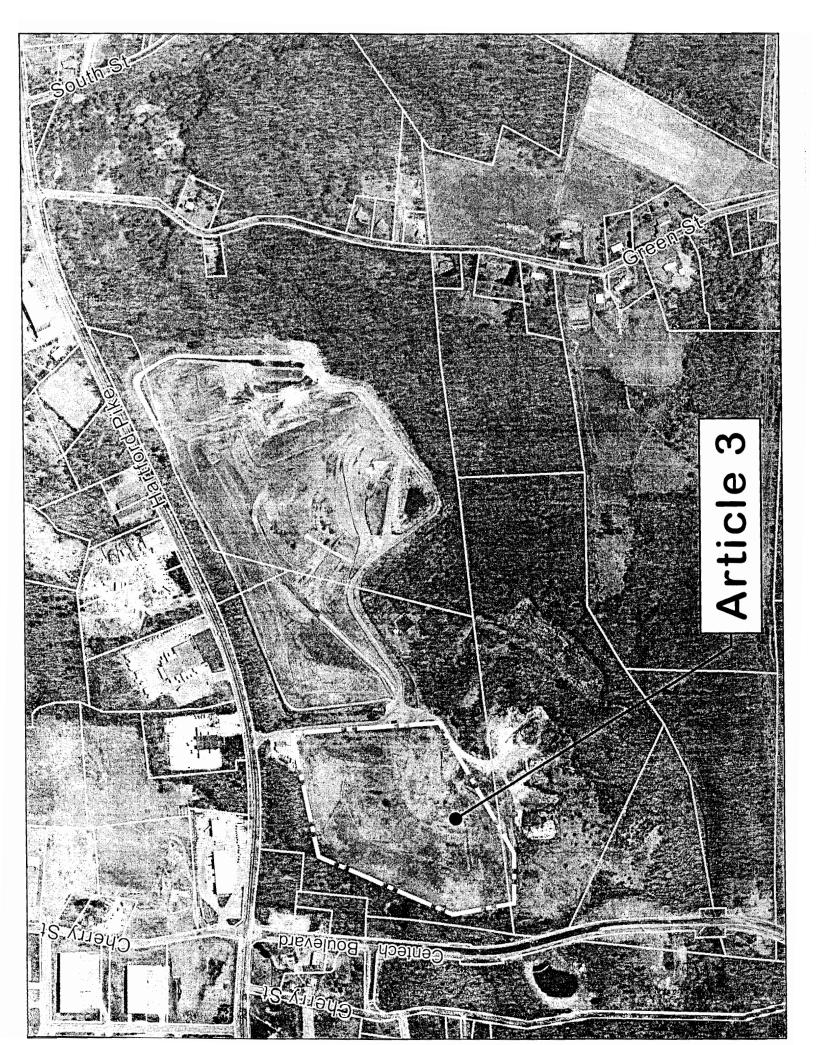


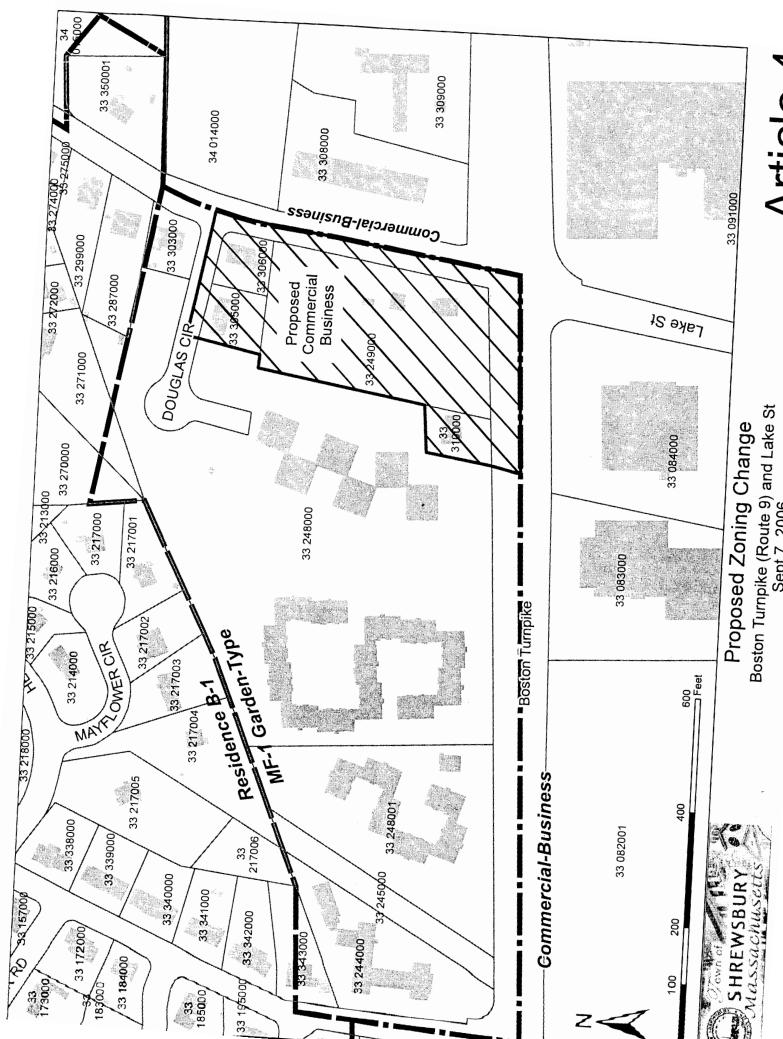












Boston Turnpike (Route 9) and Lake St Sept 7, 2006

